

without deceptive intent without the required license under §5.11 first having been obtained, and

(4) The required fee (§1.17(g) of this chapter).

(b) The explanation in paragraph (a) of this section must include a showing of facts rather than a mere allegation of action through error and without deceptive intent. The showing of facts as to the nature of the error should include statements by those persons having personal knowledge of the acts regarding filing in a foreign country and should be accompanied by copies of any necessary supporting documents such as letters of transmittal or instructions for filing. The acts which are alleged to constitute error without deceptive intent should cover the period leading up to and including each of the proscribed foreign filings.

(c) If a petition for a retroactive license is denied, a time period of not less than thirty days shall be set, during which the petition may be renewed. Failure to renew the petition within the set time period will result in a final denial of the petition. A final denial of a petition stands unless a petition is filed under §1.181 within two months of the date of the denial. If the petition for a retroactive license is denied with

respect to the invention of a pending application and no petition under §1.181 has been filed, a final rejection of the application under 35 U.S.C. 185 will be made.

[49 FR 13463, Apr. 4, 1984, as amended at 56 FR 1929, Jan. 18, 1991; 62 FR 53206, Oct. 10, 1997; 69 FR 56546, Sept. 21, 2004]

#### GENERAL

#### **§§ 5.31–5.33 [Reserved]**

### **PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT**

EDITORIAL NOTE: Part 6 is placed in the separate grouping of parts pertaining to trademarks regulations.

### **PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS**

EDITORIAL NOTE: Part 7 is placed in the separate grouping of parts pertaining to trademarks regulations.



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EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept current by the Department of Commerce. This index is updated as of July 1, 2012.

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